

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TERRY L. BURCHETT,

Plaintiff,

v.

**CAROLYN W. COLVIN,
Commissioner of Social Security,**

Defendant.

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No. 3:13-cv-01278

Judge Nixon

Magistrate Judge Knowles

ORDER

Pending before the Court is Plaintiff Terry L. Burchett's Application for Attorney Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("Motion") (Doc. No. 20), filed with a Memorandum in Support (Doc. Nos. 20-2), an affidavit of Plaintiff's attorney (Doc. Nos. 20-1), and a signed Assignment of EAJA Fee (Doc. Nos. 20-3). In her Motion, Plaintiff's counsel seeks \$3,302.23 in attorney's fees, pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (d)(1)(A). (Doc. No. 20 at 1.) Defendant Commissioner of Social Security filed a Response to the Motion, stating she has no objection to the award or its assignment. (Doc. No. 21.)

Under the EAJA, a prevailing party in litigation against the United States may seek attorney's fees, so long as the party files for the fees within thirty days of the final judgment. 28 U.S.C. § 2412(d)(1)(A)–(B) (2012). In social security cases, a sentence of remand to the Commissioner by the court constitutes a victory for the plaintiff, such that he or she may seek attorney's fees under the EAJA. *Shalala v. Schaefer*, 509 U.S. 292, 301 (1993).


Here, on May 15, 2014, the Court reversed a decision of the Administrative Law Judge denying benefits to Plaintiff and remanded the case to the Commissioner for further proceedings.

(Doc. No. 19.) Plaintiff filed the Motion on July 2, 2014. (Doc. No. 20.) Plaintiff's attorney requests \$3,302.23 in fees, based on 17.35 hours of work at a rate of \$190.33 per hour. (Doc. No. 20-1 at 2-3.) The Commissioner does not object to the award and states that the award will be paid to Plaintiff's attorney, pursuant to Plaintiff's signed Assignment of EAJA Fees. (Doc. No. 21 at 1.)

The Court finds that \$3,302.23 is a reasonable award for the work performed by Plaintiff's counsel. Accordingly, the Motion is **GRANTED**.

It is so ORDERED.

Entered this the 7th day of July, 2014.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT